




<u>Filing</u>	<u>Deadline</u>	<u>Page Limit</u>
IV identifies the dependent claims, either alone or in groups of claims that will rise and fall together, that it contends are relevant	September 12, 2018	N/A
Defendants file their opening summary judgment brief	September 21, 2018	15
IV files its responsive brief	October 5, 2018	15
Defendants file their reply brief	October 10, 2018	10
IV files its sur-reply brief	October 15, 2018	10

In light of the claim construction hearing and the upcoming briefing schedule, it is clear to the Court that there is insufficient evidence to determine that the issues are identical under the Rule 12(b)(6) standard. Accordingly, the Court **DENIES** Defendants' Motions to Dismiss on Issue Preclusion Grounds (Dkt. Nos. 20, 23). Should the Parties' briefing be insufficient to resolve the issue, Defendants are hereby **GRANTED** leave to refile their motions as a single motion for summary judgment.

**So Ordered this**

**Sep 10, 2018**

  
 RODNEY GILSTRAP  
 UNITED STATES DISTRICT JUDGE